

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CR-00307-RJC-DCK

USA

v.

SHAHID HASSAN MUSLIM

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ORDER

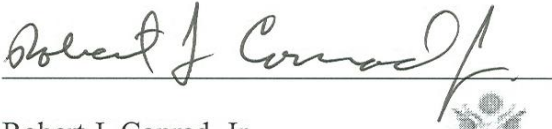
THIS MATTER is before the Court upon motion of the defendant to stay the deadline for filing objections to the Presentence Investigation Report indefinitely or to grant a third extension of the deadline by 30 days. (Doc. No. 135).

The defendant contends that additional time is necessary to address alleged inaccuracies in the trial transcript and to respond to detailed objections filed by the government. (Id. at 3). Evidence was presented at trial for portions of only four days; therefore, the Court does not find the volume of material to be extensive. The official transcripts are deemed prima facie accurate correct statements of the proceedings, 28 U.S.C. § 753(b), and a defendant's unsubstantiated assertions are not sufficient to dispute them, Choy v. Comcast Cable Communications, Inc., --- F. App'x --- (3d Cir. Oct. 20, 2015). Additionally, the defendant's burden at this point in the proceedings is to file his own objections to the Presentence Report, not respond to the government's. Fed. R. Crim. P. 32(f). Thus, the Court finds that an indefinite stay of the proceedings is not warranted based on the information in the record as counsel will have time after the filing of the defendant's objections to investigate further alleged inaccuracies in the transcript and to respond to the government's objections prior to the sentencing hearing.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 135), is **GRANTED in part** and this final extension will require the defendant to file any objections, grounds for variance, or corrections to the Presentence Report on or before December 24, 2015.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, and the United States Probation Office.

Signed: December 11, 2015


Robert J. Conrad, Jr.
United States District Judge

